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Horna A. Bradshaw

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TRANSCRIPT OF PROCEEDINGS

JUN 17 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN APPLICATIONS OF

MM DOCKET NO. 93-89

AURIO A. MATOS, et al.

Culebra, Puerto Rico

DATE OF CONFERENCE: June 9, 1993

VOLUME: I

PLACE OF CONFERENCE: Washington, D.C.

PAGES: 1-7

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In Re:

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ALBINO A. MATOS et al.

MM Docket No. 93-89

1	<u>I N D E X</u>	
2		<u>PAGE</u>
3	Opening Statement by Judge Gonzalez	3
4		
5		
6		
7		
8		
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11		
12		
13		
14		
15		
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25	Conference Began: 9:07 a.m. Conference Ended: 9:14 a.m.	

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P R O C E E D I N G S

(9:07 a.m.)

JUDGE GONZALEZ: On the record. Thank you. The date is June 9th, 1993, and the time is 9:07 in the morning. This is a pre-hearing conference regarding the matter of the mutually exclusive applications for Aurio A. Matos and Lloyd Santiago-Santos and Lourdes Rodriguez Bonet for a construction permit for a new FM station to operate on Channel 293A in Culebra, Puerto Rico. Would the parties please enter their appearance, beginning on my left.

MR. SCHONMAN: Good morning, Your Honor. Gary P. Schonman on behalf of the Chief, Mass Media Bureau.

MR. HILL: David Hill and Audrey Rasmussen, O'Connor and Hannon on behalf of Santiago-Santos and Bonet.

MR. CINNAMON: Scott Cinnamon and Stephen Diaz Gavin on behalf of Aurio A. Matos.

JUDGE GONZALEZ: Thank you. All right. Before going on the record, I asked the parties whether they have been in settlement negotiations and apparently they have been some, but they have not been fruitful so we won't assume that the procedural dates that we reset earlier are still in effect.

The parties have also informed me that the depositions will be conducted during the week of June 20th and I gather also from the parties that the discovery is going forward without significant problems.

I have one, one matter. It was -- there was a Petition

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1 to Enlarge Issues that was filed by Matos on May the 14th,
2 1993, against the application of Mr. Santos and Ms. Bonet.
3 And I have gone through the pleadings. I have -- the, the
4 reply, I believe, was just filed yesterday and I've just got a
5 courtesy copy, but I went through it very quickly and, and I
6 find no merit to the petition and it will be not -- denied in
7 its entirety, specifically with respect to the 1.65.

8 I don't fi-- I don't find a pattern of carelessness or
9 disregard for the Commission's regulations which would warrant
10 the designation of 1.65 issue, although I would certainly
11 caution Mr. Santos and -- or Mr. Santiago, I guess, and Mr. --
12 and Ms. Rodriguez to be more careful in the future. I don't
13 see any, any reason to designate such an issue at this time.

14 And also with respect to the real party in interest
15 issue, I don't see sufficient allegations of fact to warrant
16 designating a real party in interest issue as well. I will
17 be, I will be issuing an order memorializing this ruling.

18 I guess as all the parties noted, they will be
19 submitting a joint engineering exhibit. I guess that's due on

1 Does the Bureau have anything it cares to add?

2 MR. SCHONMAN: No, sir.

3 JUDGE GONZALEZ: Is there anything anyone would like to
4 bring up on the record -- Mr. Gavin.

5 MR. GAVIN: Yes, Your Honor. There is one matter and
6 there is -- that is the matter of Mr. Schonman's and my
7 client, Mr. Matos. Mr. Matos is not fluent in English. Mr.
8 Matos does not speak English particularly well. I just wanted
9 to alert you that we are going to probably need to have an
10 interpreter present during the hearing.

11 JUDGE GONZALEZ: Yes. As you know, that's your
12 responsibility.

13 MR. GAVIN: Fine. No problem. I've done it before.

14 MR. HILL: Your Honor, we will ha-- we will be happy to
15 work with the other side. I think one of our principals has a

1 certainly would like to encourage the parties to continue to
2 pursue the possibility of a settlement. I note that there are
3 only two applicants, which would seem to me to not present an
4 enormous task. But if not, well then we will -- we have an
5 admissions session on August 17th at which time -- I guess the
6 parties are aware that the Commission does not look with favor
7 on cross-examination.

8 And at that time the parties will present formal
9 request that certain parties be presented for cross-
10 examination and the opposing if, in fact, they do oppose the
11 request, will have an opportunity to respond. And at that
12 time I'll decide which witnesses have to be presented for
13 cross-examination. Is there anything further with respect --
14 because I know that some of these procedures are new and I
15 don't know how much experience all of you have had. Are there
16 any questions with respect to any of them? Procedural
17 matters?

18 MR. HILL: None here.

19 MR. SCHONMAN: I'm sorry, Your Honor. Did you say that
20 at the Admissions Session the parties would, would present
21 their request for cross-examination?

22 JUDGE GONZALEZ: Oh, I'm sorry. That would -- that's
23 on the --

24 MR. SCHONMAN: We have that scheduled for August 10 --

25 JUDGE GONZALEZ: August 12th, isn't it? Wait a minute.

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1 I'm sorry. That's right. I'm sorry, I misspoke. It is
2 August 10th. Thank you for pointing that out. Well, I'm
3 sorry, no. That, that's the date where the parties will
4 actually submit written requests and then they can respond to
5 the written requests, but we'll actually hear oral argument on
6 the Admissions Sessions date as well.

7 MR. SCHONMAN: Okay.

8 JUDGE GONZALEZ: And that's -- all right? Okay. Thank
9 you.

10 (Whereupon, at 9:14 a.m., the proceeding was adjourned.)
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APPLICATIONS OF: AURIO A. MATOS, et al.

Name of Hearing

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Docket No.

WASHINGTON, D.C.

Place of Hearing

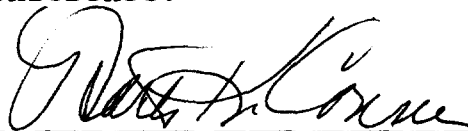
JUNE 9, 1993

Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 7, inclusive, are the true, accurate and complete transcript prepared from the reporting by Jeffrey Yeatman in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearing and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

June 10, 1993

Date



Martha K. Conner, Transcriber
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June 11, 1993

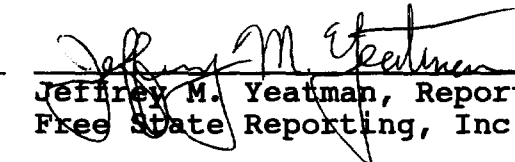
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